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T-888 P.001/003 F-806

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	3	Attorney Docket Number	3525.1
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ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Response to Restriction Requirement (2 pgs.) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
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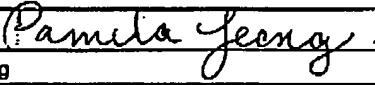
Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	Affymetrix, Inc.		
Signature			
Printed Name	Thomas E. Malone		
Date	July 10, 2006	Reg. No.	40,078

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name	Pamela Leong	Date	July 10, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attorney Docket No. 3525.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Janet A. Warrington

Serial No: 10/687,480

Filing Date: October 15, 2003

Title: Computer Based Method and
Program for Evaluating Candidate
Genes

Examiner: Lin, Jerry

Unit No.: 1631

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the June 14, 2006 Election/Restriction Requirement, the Examiner is requiring an election between the following species:

Species A, claims 2 and 9, drawn to a sample attribute. Applicant elects the species wherein the sample attribute comprises a computer based method as in claim 2.

Species B, claims 3 and 10, drawn to a study attribute. Applicant elects the species wherein the study attribute comprises a computer based method as in claim 3.

Species C, claims 4 and 11, drawn to a control attribute. Applicant elects the species wherein the control attribute comprises a computer based method as in claim 4.

Species D, claims 5 and 12, drawn to a data attribute. Applicant elects the species wherein the data attribute comprises a computer based method as in claim 5.

Species E, claims 6 and 13, drawn to a false positive/negative attributes. Applicant elects the species wherein the false positive/negative attributes comprise a computer based method as in claim 6.

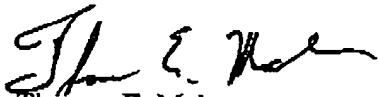
Applicant is further required to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Moreover, applicant is advised that a reply to this requirement must include a listing of all claims

readable on the selected species. In response to this requirement, applicant elects species A.

Claims readable on species A include 1, 2, 8 and 9.

Applicants reserve the right to re-present non-elected claims in a divisional or other related application. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 01-0431.

Respectfully submitted,



Thomas E. Malone
Reg. No.: 40,078

Date: July 10, 2006

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